IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 10870 of 2005

Between:

Tanveer Pasha S/o Alther Pasha
R/o H. No. 12-2-332/1/A2, Hill Colony, Mehdipatnam, Hyderabad

...... PETITIONER

AND

1 The Regional Transport Authority West Zone, Rethi Bowli, Hyderabad
2 The Regional Transport Authority West Zone, Rethi Bowli, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of mandamus declaring the action of the 2nd Respondent in sizing the Vehicle bearing No. AP-13-W-5637 Under Vehicle Check Report dated 22-04-2005 and also the action of the Respondents in not releasing the vehicle pending enquiry as illegal and arbitrary and consequently direct the respondents to release the vehicle in favour of the Petitioner.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondents: GP FOR TRANSPORT

This Court at the admission stage made the following:

O R D E R: (Per the Hon'ble Sri Justice Goda Raghuram)

The petitioner's mini lorry bearing No.AP 13 W 5637 was seized on 22-04-2005 on the grounds:

a. Permit not produced

b. No proof of Tax for Q.E. 31-03-2005 & 30-06-2005

c. No proof of Fitness Certificate

d. Plying without valid Driving Licence i.e., without Tr. Authorisation.

e. The Gross weight of the vehicle as per receipt No.11452/22-04-2005, Balaji Weigh Bridge, Sai Nagar, Nagole, Hyderabad. 10090 kgs

R.L.W. 6950 kgs

Hence O/L by 3140 kgs

The petitioner has filed this writ petition seeking release of the vehicle pending enquiry. His contention is that the copies of these documents were produced but nevertheless a case was booked for statistical purposes. The petitioner also submits that he will produce all these documents before the first respondent and that on such production, the vehicle may be released.

Having heard the learned counsel for the petitioner and the learned Government Pleader for the respondents, the writ petition is disposed of directing the respondents to release the vehicle bearing No. AP 13 W 5637 which was seized on 22-04-2005 under a vehicle check report of even date, for the petitioner's interim custody on his filing an application along with the documents adverted to above which are recorded as not produced in the check report. The petitioner shall also undertake not to dispose of or alienate the vehicle in any other manner till the disposal of the matter before the authorities concerned. No costs.

_____

(GODA RAGHURAM, J)

Date:03-05-2005

_____

(Dr. G.YETHIRAJULU, J)

Note:

Issue CC in two days.

B/o

ghn

To

1 The Regional Transport Authority West Zone, Rethi Bowli, Hyderabad
2 The Regional Transport Authority West Zone, Rethi Bowli, Hyderabad

3 Two CCs to the Government Pleader for Transport, High Court of A.P., Hyderabad. (O.U.T.)

4 Two CD copies.